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For Notice
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FROM

The General Land Office,

SHOWING

The Manner of Proceeding

TO

Obtain Title to Public Lands

BY PURCHASE, BY LOCATION WITH WARRANTS OR AGRICULTURAL COLLEGE
SCRIP, BY PRE-EMPTION AND HOMESTEAD.

ISSUED AUGUST 23, 1870.



Washington:
GOVERNMENT PRINTING OFFICE.
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CIRCULAR.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, D. C., August 23, 1870.

The following is communicated in reference to the manner of acquiring title to the public lands under different laws of Congress:

There are two classes of public lands, the one class at \$1 25 per acre, which is designated as *minimum*, and the other at \$2 50 per acre, or *double minimum*.

Title may be acquired by purchase at public sale, or by ordinary "private entry," and in virtue of the Pre-emption and Homestead laws.

1. At public sale where lands are "offered" at public auction to the highest bidder, either pursuant to Proclamation by the President, or public notice given in accordance with directions from the General Land Office.

BY "PRIVATE ENTRY" OR LOCATION.

2. The lands of this class liable to disposal are those which have been offered at public sale, and thereafter remain unsold, and which have not been subsequently reserved or otherwise withdrawn from market. In this class of offered and unreserved public lands the following steps may be taken to acquire title:

CASH PURCHASES.

3. The applicant must present a written application to the Register for the District in which the land desired is situated, describing the tract he wishes to purchase, giving its area. Thereupon the Register, if the tract is vacant, will so certify to the Receiver, stating the price, and the applicant must then pay the amount of the purchase money.

The Receiver will then issue to the purchaser a duplicate receipt, and at the close of the month the Register and Receiver will make returns of the sale to the General Land Office from whence, when the proceedings are found regular, a patent or complete title will be issued; and on surrender of the duplicate receipt such patent will be delivered, at the option of the patentee, either by the Commissioner at Washington, or by the Register at the District Land Office.

LOCATIONS WITH WARRANTS.

4. Application must be made as in cash cases, but must be accompanied by a warrant duly assigned as the consideration for the land; yet where the tract is \$2 50 per acre, the party, in addition to the surrendered warrant, must pay in *cash* \$1 25 per acre, as the warrant is in satisfaction of only so many acres at \$1 25 per acre as are contained in the tract located.

A duplicate certificate of location will then be furnished the party, to be held until the patent is delivered, as in cases of cash sales.

The following fees are chargeable by the land officers, and the several amounts must be *paid at the time of location*:

For a 40-acre warrant, 50 cents each to the Register and Receiver—Total,	\$1 00
For a 60-acre warrant, 75 cents “ “ “ “ “	\$1 50
For an 80-acre warrant, \$1 00 “ “ “ “ “	\$2 00
For a 120-acre warrant, \$1 50 “ “ “ “ “	\$3 00
For a 160-acre warrant, \$2 00 “ “ “ “ “	\$4 00

AGRICULTURAL COLLEGE SCRIP.

5. This scrip may be used—

First. In the location of lands at “*private entry*,” but when so used is only applicable to lands not mineral which may be subject to private entry at \$1 25 per acre, yet is restricted to a technical “*quarter section*,” that is, lands embraced by the quarter section lines indicated on the official plats of survey, or it may be located on “a *part* of a “quarter section,” where such part is taken as in full for a quarter, but it cannot be applied to different subdivisions to make an area equivalent to a quarter section. The manner of proceeding to acquire title with this class of paper is the same as in cash and warrant cases, the fees to be paid being the same as on warrants. The location of this scrip at private entry is restricted to *three* sections in *each township* of land.

Second. In payment of Pre-emption claims in the same manner and under the same rules and regulations as govern the application to Pre-emptions of military land warrants; this too without regard to the limitation as to the quantity located in a township or in any one State.

PRE-EMPTIONS ADMISSIBLE TO THE EXTENT OF ONE QUARTER SECTION, OR ONE HUNDRED AND SIXTY ACRES.

6. These may be made under the general Pre-emption laws of 4th September, 1841, U. S. Statutes, vol. 5, page 455, and 3d March, 1843, vol. 5, page 619, as extended by Act of June 2d, 1862, vol. 12, page 413, upon “offered” and “unoffered” lands and upon any of the unsurveyed lands belonging to the United States to which the Indian title is extin-

guished, although in the case of unsurveyed lands no definite proceedings can be had as to the completion of the title, until after the surveys shall have been extended and are officially returned to the District Land Office.

7. The Act of 3d March, 1853, U. S. Statutes, vol. 10, page 244, extends the Pre-emption for one-quarter, or 160 acres, at \$2 50 per acre to every "*alternate*" United States or *reserved* section along the line of railroads.

8. The Act of 27th March, 1854, vol. 10, page 269, chap. XXV, protects the right of settlers on sections along the line of railroads where settlement existed prior to withdrawal, and in such cases allows the tract to be taken by Pre-emptors at \$1 25 per acre. Copies of these laws, marked A, B, C, and D, will be found herewith.

9. Where the tract is "*offered*" land the party must file with the District Land Office his Declaratory Statement as to the fact of his settlement within thirty days from the date of said settlement, and within one year from that date must appear before the Register and Receiver and make proof of his actual residence on, and cultivation of, the tract, and secure the same by paying *cash*, or by filing warrant or agricultural college scrip duly assigned to the Pre-emptor.

10. Where the tract has been surveyed and *not* offered at public sale, the claimant must file his Declaratory Statement within three months from date of settlement, and make proof and payment within eighteen months after the expiration of the three months allowed for filing his Declaratory Notice; or in other words within twenty-one months from date of settlement.

11. Should the settler in either of the aforesaid cases die before establishing his claim within the period limited by law, the title may be perfected by the executor, administrator, or one of the heirs, by making the requisite proof of settlement and paying for the land; the entry to be made in the name of "the heirs" of the deceased settler, and the patent will be issued accordingly.

12. Where settlements are made on *unsurveyed* lands settlers are required, within three months after date of receipt at the District Land Office, of the approved plat of the township embracing their claims, to file their Declaratory Statement with the Register of the proper land office, and thereafter to make proof and payment for the tract within eighteen months from the expiration of said three months.

Where settlers claim Pre-emption rights under the aforesaid special act of March 27, 1854, U. S. Statutes, vol. 10, page 269, they are now required to file Declaratory Statements, and make proof and payment in like manner as other Pre-emptors.

The act of March 3, 1843, prohibits a second filing of a Declaratory

Statement by any Pre-emptor qualified at the date of his first filing where said filing has been in all respects legal. Where the first filing, however, is illegal from any cause, he has the right to make a second and legal filing.

LAWS EXTENDING THE HOMESTEAD PRIVILEGE.

13. The original Homestead Act of May 20, 1862, gives to every citizen, and to those who had declared their intentions to become such, the right to a homestead on *surveyed* lands. This is conceded to the extent of one quarter section, or 160 acres at \$1 25 per acre, or 80 acres of double minimum in any *organized district* embracing *surveyed* public lands.

14. To obtain Homesteads the party must; in connection with his application, make an affidavit before the Register or Receiver that he is over the age of twenty-one, or the head of a family; that he is a citizen of the United States, or has declared his intention to become such, and that the entry is made for his exclusive use and benefit and for actual settlement and cultivation.

15. Where the applicant has made actual settlement on the land he desires to enter, but is prevented by reason of bodily infirmity, distance, or other good cause, from personal attendance at the District Land Office, the affidavit may be made before the clerk of the court for the county within which the land is situated.

16. The amendatory Act of 21st March, 1864, U. S. Statutes, vol. 13, page 35, relaxes the requirements of personal attendance at the District Office to persons in the military or naval service, *where the party's family, or some member, is residing on the land* that it is desired to enter, and upon which a *bona fide* improvement and cultivation had been made. In such cases the said act of 1864 allows the beneficiary to make the affidavit before the officer commanding in the branch of service in which he may be engaged, and the same may be filed, by the wife or other representative of the absentee, with the Register, together with the Homestead Application.

His claim in that case will become effective from the date of filing, provided the required fee and commissions accompany the same; but immediately upon his discharge he must enter upon the land and make it his *bona fide* home, as required by the original act of 20th May, 1862. The 25th section of the Act 15th of July, 1870, so far modifies the original Homestead Act as to allow officers, soldiers, and sailors who have served in the army or navy of the United States for ninety days, and remained loyal to the government, to enter 160 acres instead of 80 acres of double minimum lands. In all other respects the requirements of the original and amendatory acts remain in force, *actual settlement and cultivation*

being in no case dispensed with. Special affidavits are required in such cases. Congress has also enacted that any alien of the age of 21 years and upward who has entered or shall enlist in the armies of the United States, and be honorably discharged therefrom, shall not be required to make any declaration of intention to become a citizen of the United States, and may upon his petition and on proof of honorable military service be admitted to full citizenship, after not less than one year's residence in the United States.

17. For Homestead entries on *surveyed* lands in MICHIGAN, WISCONSIN, IOWA, MISSOURI, MINNESOTA, KANSAS, NEBRASKA, DAKOTA, ALABAMA, MISSISSIPPI, LOUISIANA, ARKANSAS, and FLORIDA, fees are to be paid according to the following table:

ACRES.	PRICE PER ACRE.	COMMISSIONS.		FEES.	TOTAL FEES AND COMMISSIONS.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	\$1 25	\$4 00	\$4 00	\$10 00	\$18 00
80	1 25	2 00	2 00	5 00	9 00
40	1 25	1 00	1 00	5 00	7 00
80	2 50	4 00	4 00	10 00	18 00
40	2 50	2 00	2 00	5 00	9 00

NOTE.—Where entries are made on \$2 50 lands by officers, soldiers, and sailors, under the act of 15th July, 1870, double the amount of the above rates must of course be paid; that is, for 160 acres of \$2 50, \$8 00 at date of entry, and \$8 00 upon proving up.

These rates will also apply to OHIO, INDIANA, and ILLINOIS, if any vacant tracts can be found liable to Homestead in those three States, where but very few isolated tracts of public land remain undisposed of.

18. In the PACIFIC *and other* POLITICAL DIVISIONS, viz: On *surveyed* lands in CALIFORNIA, NEVADA, OREGON, COLORADO, NEW MEXICO, and WASHINGTON, and in ARIZONA, IDAHO, UTAH, WYOMING, and MONTANA, the commissions and fees are to be paid according to the following table:

ACRES.	PRICE PER ACRE.	COMMISSIONS.		FEES.	TOTAL FEES AND COMMISSIONS.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	\$1 25	\$6 00	\$6 00	\$10 00	\$22 00
80	1 25	3 00	3 00	5 00	11 00
40	1 25	1 50	1 50	5 00	8 00
80	2 50	6 00	6 00	10 00	22 00
40	2 50	3 00	3 00	5 00	11 00

The note to the table under the 17th head applies also to this table of rates.

19. By the Act 21st June, 1866, U. S. Statutes, vol. 14, page 66, the public lands of ALABAMA, MISSISSIPPI, LOUISIANA, ARKANSAS, and FLORIDA are subject to disposal only under the provisions of the Homestead laws.

20. Upon payment of the fee and commissions in accordance with the table under the 17th head, the Receiver will issue his receipt therefor and furnish a duplicate to the claimant.

The matter will then be entered on their records and reported to the General Land Office.

21. An inceptive right is vested in the settler by such proceedings, and upon faithful observance of the law in regard to settlement and cultivation for the continuous term of five years, and at the expiration of that time, or within two years thereafter, upon proper proof to the satisfaction of the Land Officers, and payment to the Receiver, the Register will issue his certificate, and make proper returns to this office as the basis of a patent or complete title for the Homestead.

NOTE.—The law is specific in requiring final proof to be made within *two years* after the expiration of the five years.

In making final proof, it is indispensable, under the statute, that the Homestead party, shall appear in person at the District Land Office, and there make the affidavit required of him by law in support of his claim. Where from physical disability, distance, or other good cause, the *witnesses* of said party cannot attend in person at the District Office, their testimony in support of the claim may be taken where they reside, before an officer authorized by law to administer oaths.

Their testimony must state satisfactorily the reason of their inability to attend at the District Office; and the credibility and responsibility of the witnessess must be certified by the officiating magistrate, whose official character must be authenticated under seal.

The corroborating testimony thus prepared must be deposited with the Register and Receiver and filed with the affidavit of the Homestead party, and the decision of the Register and Receiver endorsed thereon as preliminary to the transmission of the same to the General Land Office.

22. Where a Homestead settler dies before the consummation of his claim, the widow, or in case of her death the heirs, may continue the settlement and cultivation, and obtain title upon requisite proof at the proper time. If the widow proves up the title passes to her; if she dies before proving up and the heirs make the proof, the title will vest in them.

Where both parents die leaving infant heirs, the Homestead may be sold for cash for the benefit of such heirs, and the purchaser will receive title from the United States.

23. The sale of a Homestead claim by the settler to another party before completion of title is not recognized by this office, and not only

vests no title or equities in the purchaser, but would be *prima facie* evidence of abandonment, and might give cause for cancellation of the claim.

A party may relinquish his claim, but only to the Government; and in such cases should surrender his duplicate receipt, with a relinquishment endorsed thereon, or if the duplicate has been lost, that fact should be stated in the relinquishment, duly signed and acknowledged.

Where application is made for the cancellation of a Homestead entry on the ground of abandonment, the party must file his affidavit with the District Land Officers, setting forth the facts on which his allegations are founded, describing the tract and giving the name of the settler. Upon this the officers will set apart a day for hearing, giving all the parties in interest due notice of the time and place of trial.

After the trial the land officers will transmit the testimony, with their joint report, for the action of this office.

The expenses incident to such contest must be defrayed by the contestant, and no entry of the land can be made until the district officers have received notice from this office of the cancellation of the entry covering the same; nor does an informant obtain any privileges thereby. Such person must, if he desires the land, by proper diligence ascertain when notice of cancellation is received by Register and Receiver, and *then* make formal written application for the tract; the land, after reception by said officers of notice of cancellation, being always open to the *first legal applicant*, unless otherwise withdrawn from entry for any purpose.

24. As the law allows but one Homestead privilege, a settler relinquishing or abandoning his claim cannot thereafter make a second entry. But in case of the illegality of his entry he may make a second claim.

Where an individual has made settlement on a surveyed tract and filed his Pre-emption declaration therefor, he may change his filing into Homestead, yet such change is inadmissible where an adverse right has intervened, but in such cases the settler has the privilege of perfecting his title under the Pre-emption laws.

25. If the Homestead settler does not wish to remain five years on his tract, the law permits him to pay for it with cash or warrants, upon making proof of settlement and cultivation for a period not less than six months from the date of entry to the time of payment.

This proof of actual settlement and cultivation must be the affidavit of the party made before the district officers, corroborated by the testimony of two credible witnesses.

26. There is another class of Homesteads designated as "adjoining farm Homesteads." In these cases the law allows an applicant *owning*

and *residing* on an *original* farm, to enter other land lying contiguous thereto, which shall not, with such farm, exceed in the aggregate 160 acres. Thus, for example, a party owning or occupying 80 *acres*, may enter 80 additional of \$1 25, or 40 acres of \$2 50 land. Or suppose the applicant to own 40 *acres*, then he may enter 120 acres at \$1 25, or 40 at \$1 25 with 40 at \$2 50, if both classes of land should be found contiguous to his original farm.

In entries of "adjoining farms" the settler must describe, in his affidavit, the tract he owns and is settled upon as his original farm. Actual residence on the tract entered as an adjoining farm is not required, but *bona fide* improvement and cultivation of it must be shown for the period required by the statute.

27. The Homestead and Pre-emption privilege is conceded to *Indians* who have voluntarily dissolved all connection with their tribes and no longer share in the annuities, or in exemptions, or in privileges secured to them by Acts of Congress or treaty stipulations. Special forms of affidavit with corroborative testimony are required in these cases, forms of which are attached—Nos. 10 and 11.

28. Lands obtained under the Homestead laws are exempted from liability for debts contracted prior to the issuing of patent therefor.

Copies of the Homestead laws are hereto annexed, marked E, F, and G, as also forms of affidavits and applications, numbered from one to twelve, required upon initiation of claims under the Pre-emption and Homestead laws.

REGISTERS' AND RECEIVERS' RETURNS.

29. Within three days from the close of each month the District Land Officers are required to make out and transmit to the General Office a statement of the business of their respective offices for the preceding month.

These reports are in form of abstracts of declarations of settlements filed, abstracts of lands sold, abstracts of Homesteads entered, abstracts of military warrants and of agricultural college scrip located, accompanied by the certificates of purchase, Receiver's receipts, Homestead applications and affidavits, warrants and agricultural college scrip, and certificates of location.

The abstracts are all to be critically examined and thereafter duly certified by Register and Receiver as correct and in conformity with the records and the papers, and that all agree with each other.

The Receiver is required also to render promptly a *monthly account of all the moneys received*, showing the balance due the Government at the close of each month.

At the end of every *quarter* he also must transmit a *quarterly* account as Receiver ; upon the several accounts an adjustment is here made and submitted to the Treasury Department for final settlement.

He must also render a quarterly disbursing account of all moneys expended.

The receiver is required to deposit the moneys received by him at some depository designated by the Secretary of the Treasury when the amount on hand shall have reached the sum of *two thousand dollars* ; and in no case is he authorized, without special instructions, to hold a larger amount in his hands.

30. It is the duty of the Registers and Receivers to be in attendance at their offices, and give proper facilities and information to persons applying for lands.

31. A list of all the District Land Offices in the United States is hereto annexed.

32. Laws and instructions relating to mining claims form the subject of a separate circular.

JOS. S. WILSON,
Commissioner of the General Land Office.

(A.)

AN ACT to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights.

SEC. 10. *And be it further enacted*, That, from and after the passage of this act, every person, being the head of a family, or widow, or single man over the age of twenty-one years and being a citizen of the United States, or having filed his declaration of intention to become a citizen as required by the naturalization laws, who, since the first day of June, A. D. eighteen hundred and forty, has made, or shall hereafter make, a settlement in person on the public lands to which the Indian title had been, at the time of such settlement, extinguished, and which has been, or shall have been, surveyed prior thereto, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby, authorized to enter with the register of the land office for the district in which such land may lie, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land, subject, however, to the following limitations and exceptions: No person shall be entitled to more than one pre-emptive right by virtue of this act; no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the United States, and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption under this act; no lands included in any reservation, by any treaty, law, or proclamation of the President of the United States, or reserved for salines, or for other purposes; no lands reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana, or which may be acquired of the Wyandot tribe of Indians, in the State of Ohio, or other Indian reservation to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to other sections granted to any of the States for the construction of any canal, railroad, or other public improvement; no sections or fractions of sections included within the limits of any incorporated town; no portions of the public lands which have been selected as the site for a city or town; no parcel or lot of land actually settled and occupied for the purposes of trade and not agriculture; and no lands on which are situated any known salines or mines, shall be liable to entry under and by virtue of the provisions of this act. And so much of the proviso of the act of twenty-second of June, eighteen hundred and thirty-eight, or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing Rabbit Creek, be, and the same is hereby repealed: *Provided*, That such repeal shall not affect any title to any tract of land secured in virtue of said treaty.

SEC. 11. *And be it further enacted*, That when two or more persons shall have settled on the same quarter section of land, the right of pre-emption shall be in him or her who made the first settlement, provided such persons shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the *Secretary of the Treasury [Interior] of the United States.

SEC. 12. *And be it further enacted*, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Secretary of the Treasury, [Interior,] who shall each be entitled to receive fifty cents from each applicant for his services, to be rendered as aforesaid; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

* Appellate power vested in Commissioner of the General Land Office. See 10th sec. act 12th June, 1858, (Statutes, vol. 11, p. 326.)

SEC. 13. *And be it further enacted*, That before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath before the receiver or register of the land district in which the land is situated (who are hereby authorized to administer the same) that he or she has never had the benefit of any right of pre-emption under this act; that he or she is not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the government of the United States should inure in whole or in part to the benefit of any person except himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for said land, and all right and title to the same; and any grant or conveyance which he or she may have made, except in the hands of *bona fide* purchasers, for a valuable consideration, shall be null and void. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office; either of which shall be good and sufficient evidence that such oath was administered according to law.

SEC. 14. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed by the proclamation of the President; nor shall the provisions of this act be available to any person or persons who shall fail to make the proof and payment, and file the affidavit required, before the day appointed for the commencement of the sales as aforesaid.

SEC. 15. *And be it further enacted*, That whenever any person has settled or shall settle and improve a tract of land subject at the time of settlement to private entry, and shall intend to purchase the same under the provisions of this act, such person shall, in the first case, within three months after the passage of the same, and in the last, within thirty days next after the date of such settlement, file with the register of the proper district a written statement describing the lands settled upon, and declaring the intention of such person to claim the same under the provisions of this act; and shall, where such settlement is already made, within twelve months after the passage of this act, and where it shall hereafter be made, within the same period after the date of such settlement, make the proof, affidavit, and payment herein required; and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof, and payment within the twelve months aforesaid, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

Approved September 4, 1841.

(B.)

AN ACT to authorize the investigation of alleged frauds under the pre-emption laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he hereby is, authorized to appoint a competent agent, whose duty it shall be, under direction of said Commissioner, to investigate, upon oath, the cases of fraud under the pre-emption laws alleged to exist in the Columbus land district, in the State of Mississippi, referred to in the late annual report of said Commissioner, communicated to Congress by letter of the Secretary of the Treasury dated December the fifteenth, one thousand eight hundred and forty-two; and that such agent shall examine all witnesses who may be brought before him by the individual or individuals alleging the fraud, as well as those witnesses who may be produced by the parties in interest to sustain said claims; and that he be, and is hereby, invested with power to administer to such witnesses an oath to speak the truth in regard to any question which may be deemed necessary to the full examination of the cases so alleged to be fraudulent; and such testimony shall be reduced to writing, and subscribed by each witness, and the same returned to the Commissioner, with the opinion of said agent on each claim; and

any witness so examined before the said agent, who shall swear willfully and falsely in regard to any matter or thing touching such examination, shall be subject, on conviction, to all the pains and penalties of perjury; and it shall be the duty of the Commissioner to decide the cases thus returned, and finally to settle the matter in controversy, subject alone to an appeal to the Secretary of the Treasury: *Provided*, That the power conferred by this section upon such agent is hereby limited to the term of one year from and after the date of this act; and the compensation to be paid to said agent shall not exceed three dollars per day for each day he may be necessarily engaged in the performance of the duties required by this section.

SEC. 2. *And be it further enacted*, That in any case where a party entitled to claim the benefits of any of the pre-emption laws shall have died before consummating his claim by filing, in due time, all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same: *Provided*, That the entry in such cases shall be made in favor of "the heirs" of the deceased pre-emptor, and a patent thereon shall cause the title to inure to said heirs as if their names had been specially mentioned.

SEC. 3. *And be it further enacted*, That every settler on section sixteen, reserved for the use of schools, or on other reserves or land covered by private claims of others, which was not surveyed at the time of such settlement, and who shall otherwise come within the provisions of the several pre-emption laws in force at the time of the settlement, upon proof thereof before the register of the proper land office, shall be entitled to enter, at the minimum price, any other quarter section, or fractional section, or fractional quarter section, in the land district in which such school section or reserve or private claim may lie, so as not to exceed one hundred and sixty acres, not reserved from sale or in the occupancy of any actual *bona fide* settler: *Provided*, Such settlement was made before the date of the act of fourth September, eighteen hundred and forty-one, and after the extinguishment of the Indian title.

SEC. 4. *And be it further enacted*, That where an individual has filed, under the late pre-emption law, his declaration of intention to claim the benefits of said law for one tract of land, it shall not be lawful for the same individual at any futuro time to file a second declaration for another tract.

SEC. 5. *And be it further enacted*, That claimants under the late pre-emption law, for land not yet proclaimed for sale, are required to make known their claims, in writing, to the register of the proper land office, within three months from the date of this act when the settlement has been already made, and within three months from the time of the settlement when such settlements shall hereafter be made, giving the designation of the tract and the time of settlement; otherwise his claim to be forfeited, and the tract awarded to the next settler, in the order of time, on the same tract of land, who shall have given such notice, and otherwise complied with the conditions of the law.

SEC. 6. *And be it further enacted*, That whenever the vacancy of the office either of register or receiver, or of both, shall render it impossible for the claimant to comply with any requisition of any of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming in respect to any matter essential to the establishment of his claim: *Provided*, That such requisition is complied with within the same period after the disability is removed as would have been allowed him had such disability not existed.

SEC. 7. *And be it further enacted*, That where a settler on the public lands may reside on a quarter section, a fractional quarter section, or a fraction of a section less than one hundred and sixty acres, and cultivated land on any other and different tract of either of the descriptions aforesaid, he or she shall be entitled, under the act of June twenty-two, one thousand eight hundred and thirty-eight, to the same privileges of a choice between two legal subdivisions of each, so as to include his or her house and farm, not to exceed one hundred and sixty acres in all, as is granted by the first section of that act to settlers residing on a quarter section, and cultivating on another and different quarter.

SEC. 8. *And be it further enacted*, That where two or more persons are residing on any of the species of tracts specified in section seven of this act, as required by the acts of the twenty-second of June, one thousand eight hundred and thirty-eight, and the first of June, one thousand eight hundred and forty, and any one or more of said settlers may have cultivated land

during the period of residence required by either of said acts on another and different tract, or other and different tracts, the latter mentioned settlers shall be entitled to the option of entering the tract lived on, jointly with the other or others, or of abandoning the tract lived on to those who have not cultivated land as above required, and entering the tract or tracts cultivated, so as not to exceed one hundred and sixty acres to any one settler, who, by virtue of this section, is entitled to a separate entry; or such joint settlers may jointly enter the tract so jointly occupied by them, and, in addition, enter other contiguous unoccupied lands, by legal subdivisions, so as not to exceed one hundred and sixty acres in all to each of such joint settlers: *Provided*, That the extended privileges granted to pre-emptors by this act shall not be construed to deprive any other actual settler of his or her previous and paramount right of pre-emption, or to extend to lands reserved for any other purpose whatever.

SEC. 9. *And be it further enacted*, That all persons coming within the tenth section of the act of the fourth of September, eighteen hundred and forty-one, entitled "An Act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," shall be entitled to the right of pre-emption under its provisions, notwithstanding such persons claiming the pre-emption shall have settled upon and improved the lands claimed before the same were surveyed: *Provided*, Such settlements were made before the date of the aforesaid act, and after the extinguishment of the Indian title. And said act shall not be so construed as to preclude any person who may have filed a notice of intention to claim any tract of land by pre-emption, under said act, from the right allowed by law to others to purchase the same by private entry after the expiration of the right of pre-emption.

Approved March 3, 1843.

(C.)

AN ACT to extend pre-emption rights to certain lands therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pre-emption laws of the United States, as they now exist, be, and they are hereby, extended over the alternate reserved sections of public lands along the lines of all the railroads in the United States, wherever public lands have been, or may be, granted by acts of Congress; and that it shall be the privilege of the persons residing on any of said reserved lands, to pay for the same in soldiers' bounty land warrants, estimated at a dollar and twenty-five cents per acre, or in gold and silver, or both together, in preference to any other person, and at any time before the same shall be offered for sale at auction: *Provided*, That no person shall be entitled to the benefit of this act who has not settled and improved, or shall not settle and improve, such lands prior to the final allotment of the alternate sections to such railroads by the General Land Office: *And provided further*, That the price to be paid shall, in all cases, be two dollars and fifty cents per acre, or such other minimum price as is now fixed by law, or may be fixed, upon lands hereafter granted; and no one person shall have the right of pre-emption to more than one hundred and sixty acres: *And provided further*, That any settler who has settled, or may hereafter settle, on lands heretofore reserved on account of claims under French, Spanish, or other grants which have been, or shall be, hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by this act and the act of fourth September, eighteen hundred and forty-one, entitled "An Act to appropriate the proceeds of the public lands and to grant pre-emption rights," after the lands shall have been released from reservation, in the same manner as if no reservation existed.

Approved March 3, 1853.

(D.)

AN ACT for the relief of settlers on lands reserved for railroad purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every settler on public lands which have been, or may be, with-

drawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption, at the ordinary minimum, to the lands settled on and cultivated by them: *Provided*, They shall prove up their rights according to such rules and regulations as may be prescribed by the Secretary of the Interior, and pay for the same before the day that may be fixed by the President's proclamation for the restoration of said lands to market.

Approved March 27, 1854.

(E.)

AN ACT to establish a land office in Colorado Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands belonging to the United States to which the Indian title has been or shall be extinguished, shall be subject to the operations of the pre-emption act of the 4th September, 1841, and under the conditions, restrictions, and stipulations therein mentioned: *Provided however*, That when unsurveyed lands are claimed by pre-emption, notice of the specific tracts claimed shall be filed within six months after the survey has been made in the field; and on failure to file such notice, or to pay for the tract claimed within twelve months from the filing of such notice, the parties claiming such lands shall forfeit all right thereto, provided said notices may be filed with the Surveyor General, and to be noted by him on the township plats, until other arrangements have been made by law for that purpose.

* * * * *

Approved June 2, 1862.

(F.)

AN ACT to secure homesteads to actual settlers on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents or less per acre; or eighty acres or less of such unappropriated lands at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: *Provided*, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one or more years of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or

receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry—or, if he be dead, his widow; or, in case of her death, his heirs or devisee; or, in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided by law: *And provided further*, That in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted*, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: *And provided further*, That all persons who may have filed their application for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act: *Provided further*, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. *And be it further enacted*, That the fifth section of the act entitled "An Act in addition to an Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting pre-emption rights.

Approved May 20, 1862.

(G.)

AN ACT amendatory of the Homestead law, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of any person desirous of availing himself of the benefits of the homestead act of twentieth May, eighteen hundred and sixty-two, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the said act of twentieth May, eighteen hundred and sixty-two requires, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, it shall and may be lawful for such person to make the affidavit required by said act before the officer commanding in the branch of the service in which the party may be engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife, or other representative of the party, the same shall become effective from the date of such filing, provided the said application and affidavit are accompanied by the fee and commissions as required by law.

SEC. 2. *And be it further enacted*, That, besides the ten-dollar fee exacted by the said act, the homestead applicant shall hereafter pay to the register and receiver each, as commissions, at the time of entry, one per centum upon the cash price as fixed by law of the land applied for, and like commissions when the claim is finally established and the certificate therefor issued as the basis of a patent.

SEC. 3. *And be it further enacted*, That in any case hereafter in which the applicant for the benefit of the homestead, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, it shall and may be lawful for him to make the affidavit required by the original statute before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

SEC. 4. *And be it further enacted*, That in lieu of the fee allowed by the twelfth section of the pre-emption act of fourth of September, eighteen hundred and forty-one, the register and receiver shall each be entitled to one dollar for their services in acting upon pre-emption claims, and shall be allowed, jointly, at the rate of fifteen cents per hundred words, for the testimony which may be reduced by them to writing for claimants in establishing pre-emption or homestead rights; the regulations for giving proper effect to the provisions of this act to be prescribed by the Commissioner of the General Land Office.

SEC. 5. *And be it further enacted*, That where a pre-emptor has taken the initiatory steps required by existing laws in regard to actual settlement, and is called away from such settlement by being actually engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land office to make, before the register or receiver, the affidavits required by the thirteenth section of the pre-emption act of fourth of September, eighteen hundred and forty-one, the time for filing such affidavit and making final proof and entry of location shall be extended six months after the expiration of

his term of service, upon satisfactory proof, by affidavit or the testimony of witnesses, that the said pre-emptor is so in the service, being filed with the register of the land office for the district in which his settlement is made.

SEC. 6. *And be it further enacted*, That the registers and receivers in the State of California, in the State of Oregon, and in the Territories of Washington, Nevada, Colorado, Idaho, New Mexico, and Arizona, shall be entitled to collect and receive, in addition to the fees and allowances provided by this act, fifty per centum of said fees and allowances as compensation for their services: *Provided*, That the salary and fees allowed any register or receiver shall not exceed in the aggregate the sum of three thousand dollars per annum.

Approved March 21, 1864.

(H.)

AN ACT for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

Be it further enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, all the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of according to the stipulations of the homestead law of twentieth May, eighteen hundred and sixty-two, entitled "An Act to secure homesteads to actual settlers on the public domain," and the act supplemental thereto, approved twenty-first of March, eighteen hundred and sixty-four, but with this restriction, that until the expiration of two years from and after the passage of this act, no entry shall be made for more than a half quarter section, or eighty acres; and in lieu of the sum of ten dollars required to be paid by the second section of said act, there shall be paid the sum of five dollars at the time of the issue of each patent; and that the public land in said States shall be disposed of in no other manner after the passage of this act: *Provided*, That no distinction or discrimination shall be made in the construction or execution of this act on account of race or color: *And provided further*, that no mineral lands shall be liable to entry and settlement under its provisions.

SEC. 2. *And be it further enacted*, That section second of the above-cited homestead law, entitled "An Act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, be so amended as to read as follows: That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of five dollars, when the entry is not more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified: *Provided however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry, or, if he be dead, his widow, or in case of her death, his heirs or devisee, or, in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he will bear true allegiance to the government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided by law: *And provided further*, That in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children; and

the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose, and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money herein specified: *Provided*, That until the first day of January, eighteen hundred and sixty-seven, any person applying for the benefit of this act shall, in addition to the oath hereinbefore required, also make oath that he has not borne arms against the United States, or given aid and comfort to its enemies.

SEC. 3. *And be it further enacted*, That all the provisions of the said homestead law, and the act amendatory thereof, approved March twenty-first, eighteen hundred and sixty-four, so far as the same may be applicable, except so far as the same are modified by the preceding sections of this act, are applied to and made part of this act as fully as if herein enacted and set forth.

Approved June 21, 1866.

(1.)

\$ _____ LAND OFFICE at _____, _____, 18 ____.

Mr. _____ has this day paid _____ dollars, the Register's and Receiver's fees, to file a Declaratory Statement, the receipt whereof is hereby acknowledged.

_____, *Receiver.*

No. _____

Mr. _____ having paid the fees, has this day filed in this office his Declaratory Statement, No. _____, for _____, section _____, township _____, of range _____, containing _____ acres, settled upon _____, 18 ____, being _____ offered.

_____, *Register.*

(2.)

DECLARATORY STATEMENT FOR CASES WHERE THE
LAND IS NOT SUBJECT TO PRIVATE ENTRY.

I _____, of _____, being _____, have, on the ____ day of _____, A. D. 18 ____, settled and improved the _____ quarter section number _____, in township number _____, of range number _____, in the district of lands subject to sale at the land office at _____, and containing _____ acres, which land has not yet been offered at public sale, and thus rendered subject to private entry; and I do hereby declare my intention to claim the said tract of land as a pre-emption right, under the provisions of said Act of 4th September, 1841.

Given under my hand this ____ day of _____, A. D. 18 ____.

In presence of _____.

(3.)

FOR CASES WHERE THE LAND CLAIMED SHALL HAVE
BEEN RENDERED SUBJECT TO PRIVATE ENTRY SINCE
THE DATE OF THE LAW.

I, _____, of _____, being _____, have, since the first day of _____, A. D. 18 ____, settled and improved the _____ quarter of section number _____, in township number _____, of range number _____, in the district of lands subject to sale at the land office at _____, and containing _____ acres, which land *has been rendered subject to*

private entry since the passage of the Act of 4th September, 1841, but prior to my settlement thereon; and I do hereby declare my intention to claim the said tract of land as a pre-emption right, under the provisions of said Act of 4th September, 1841.

Given under my hand this — day of —, A. D. 18 .

In presence of — .

(4.)

AFFIDAVIT REQUIRED OF PRE-EMPTION CLAIMANT.

I, —, claiming the right of pre-emption under the provisions of the Act of Congress, entitled "An Act to appropriate the proceeds of the sale of the public lands, and to grant pre-emption rights," approved September 4, 1841, to the — quarter of section number —, of township number —, of range number —, subject to sale at —, do solemnly — that I have never had the benefit of any right of pre-emption under this act; that I am not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor have I settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to my own exclusive use or benefit; and that I have not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title which I may acquire from the government of the United States should inure, in whole or in part, to the benefit of any person except myself.

I, —, of the Land Office at —, do hereby certify that the above affidavit was taken and subscribed before me, this — day of —, A. D. 18 .

(5.)

We —, —, do solemnly swear that —, — and is an inhabitant of the — quarter of section number —, of township number —, north of range number —, and that no other person resided upon the said land, entitled to the right of pre-emption. That the said —, entered upon

and made a settlement in person on the said land since the — day of —, 18 —, to wit: on the — day of —, 18 —, — and has lived in the said house, and made it his exclusive home, from the — day of —, 18 —, till the present time. That he did not remove from his own land within the State of — to make the settlement above referred to; and that he has since said settlement ploughed, fenced, and cultivated about — acres of said land.

I, —, do hereby certify that the above affidavit was taken and subscribed before me this — day of —, A. D. 18 —.

We certify that —, —, whose name — subscribed to the foregoing affidavit, — person — of respectability.

—, *Register.*

—, *Receiver.*

(6.)

HOMESTEAD.

APPLICATION }

No. — }

LAND OFFICE at —, —, 18 —.

I, —, of —, do hereby apply to enter, under the provisions of the Act of Congress approved May 20, 1862, entitled "An Act to secure Homesteads to actual settlers on the public domain," the — of section —, in township —, of range —, containing — acres.

LAND OFFICE at —, —, 18 —.

I, —, Register of the Land Office, do hereby certify that the above application is for Surveyed Lands of the class which the applicant is legally entitled to enter under the Homestead Act of May 20, 1862, and that there is no prior, valid, adverse right to the same.

—, *Register.*

(7.)

HOMESTEAD.

(*Affidavit.*)

LAND OFFICE at —,

(*Date.*) —.

I, —, of —, having filed my *Application No.* —, for an entry under the provisions of the Act of Congress, approved May 20, 1862, entitled "An Act to secure Homesteads to actual settlers on the public domain," do solemnly swear, that [*Here state whether the*

applicant is the head of a family, or over twenty-one years of age ; whether a citizen of the United States, or has filed his declaration of intention of becoming such ; or, if under twenty-one years of age, that he has served not less than fourteen days in the army or navy of the United States during actual war ; that said Application No. — is made for his or her exclusive benefit ; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever,] and that I have not heretofore had the benefit of this Act.

Sworn to and subscribed, this — day of —, before —.
 [Register or Receiver] of the Land Office.

(8.)

MILITARY OR NAVAL HOMESTEAD.

APPLICATION }
 No. — }

LAND OFFICE at —, —, 18 .

I, —, of —, being in the — service of the United States, do hereby apply to enter, under the provisions of the Act approved March 21, 1864, amendatory of the Homestead Act of May 20, 1862, and for other purposes, a certain tract of land, which — is hereby authorized to designate at the foot of this application, as my Homestead, and which I agree to hold as my own selection.

Attest: —, Commanding Officer at —.

I, —, as named in the foregoing Application No. —, do designate the tract selected for his Homestead as the — of section —, in township —, of range —, containing — acres, and on which there is *bona fide* improvement and settlement, and on which I am residing and in charge for said applicant.

Witness my hand, this — day of —, 18 .

Attest: —, Register.

LAND OFFICE at ———, ———, 18 .

I, ———, Register of the Land Office, do hereby certify that the above application is for Surveyed Lands of the class which the applicant is legally entitled to enter under the Homestead Act of May 20, 1862, and that there is no prior, valid, adverse right to the same.

———, *Register.*

(9.)

MILITARY OR NAVAL HOMESTEAD.

Amendatory Homestead Act of March 21, 1864.

AFFIDAVIT.

STATE OF ———, County of ———,
(Date.) ———.

I, ———, of ———, being now in the [*military or naval service*] of the United States, and proposing to file my application, No. ———, for an entry under the provisions of the Act of Congress approved March 21, 1864, amendatory of the original Homestead Act of May 20, 1862, and for other purposes, do solemnly swear that [*Here state whether applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such; or, if under twenty-one years of age, that he has served not less than fourteen days in the army or navy of the United States during actual war; that said Application No. ——— is made for his or her exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever,*] and that I have not heretofore had the benefit of this Act.

I further swear that I have made *bona fide* settlement and improvement upon the tract which [*here give name of representative*] is authorized to designate as my Homestead.

Sworn to and subscribed, this ——— day of ———, before ———
———, U. S. Commanding Officer of ———, at ———.

[*Rank and service.*]

(10.)

AFFIDAVIT—INDIAN HOMESTEAD OR PRE-EMPTION.

I, _____, formerly of the _____ tribe of Indians, do solemnly swear that I have voluntarily dissolved all connection with that tribe, and that it is *bona fide* my intention to forego all claim to or share in any of its annuities or benefits, and in good faith to perform the duties of a citizen of the United States.

_____.

(11.)

AFFIDAVIT IN SUPPORT OF INDIAN HOMESTEAD OR PRE-EMPTION.

_____, _____, do solemnly swear that to the best of _____ knowledge and belief _____, formerly of the _____ tribe of Indians, has dissolved all connection with said tribe, and does not claim or share any of the annuities or benefits inuring to said tribe of Indians by treaty or otherwise, but is performing all such duties as pertain to a citizen of the United States.

Witness : _____.

Sworn and subscribed to before me this _____ day of _____, 18 ____.

_____.

(12.)

AFFIDAVIT.

LAND OFFICE AT _____,
(Date) _____.

I, _____ of _____, having filed my application No. _____ for an entry under the provisions of the Act of Congress approved May 20, 1862, and desiring to avail myself of the 25th section of the Act of July 15, 1870, in regard to land held at the double minimum price of \$2 50 per acre, do solemnly swear that I am the identical _____ who was a _____ in the company *commanded by captain _____,

*Where the party was a regimental or staff officer, or was in a different branch of the service, the affidavit must be varied in form according to the facts of the case.

in the——— regiment of——— ———, commanded by——— ———,
in the war of 1861; that I continued in actual service for ninety days,
and have remained loyal to the government; that said application No.———
is made for my exclusive benefit, and for the purpose of actual settlement
and cultivation, and not, directly or indirectly, for the use or benefit of any
other person or persons, and that I have not heretofore had the benefit
of the Homestead Law.

Sworn to and subscribed before me this —— day of —— ———.

(Register or Receiver of the Land Office.)

UNITED STATES LAND OFFICES.

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